

06-06-06

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Attorney Docket Number DWHP200001

In the United States Patent & Trademark Office

In re application of: Donna Walker
Application No.: 10/632,231 Group No.: 1742
Filed: July 31, 2003 Examiner: IP, SIKYIN
For: Methods and Apparatus for Stress Relief Using Multiple Energy Sources

Commissioner for Patents
P.O. Box 1450 Alexandria, VA
22313-1450

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 C.F.R. §10.40(c))

NOTE: If a period has been set for response and the period may be extended without a showing of cause pursuant to 37 C.F.R. § 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such a situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed. M.P.B.P., § 402.06, 8th ed.

WARNING: If the Request for Withdrawal is filed after mailing of the Notice of Allowance it can result in a reduction in patent term under 37 C.F.R. § 1.704(c)(10). Therefore, care should be taken to resolve the question of withdrawal before this possibility.

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

~~with sufficient postage as first-class mail.~~

37 C.F.R. § 1.10 *

☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EV 690752308 (mandatory)

Date:

6/5/06

Signature

Kristi A. Murphy

(type or print name of person certifying)

" Only the date of filing (§ 1.8) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 7.703(5). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

REQUEST FOR PERMISSION TO WITHDRAW

1. I, an attorney signing below, respectfully request permission to withdraw from all further responsibility in this case, in accordance with 37 C.F.R. § 1.36.

(complete the following item, if appropriate)

- ☐ Because the amendment referred to in item 4A(iii) below is a continuing application signed only by an attorney named below under
 - ☐ 37 C.F.R. § 1.60(b),
 - ☐ 37 C.F.R. § 1.62(c),this withdrawal request is also for such continuing application.

LAST KNOWN ADDRESS OF CLIENT

2. The last known mailing address of the inventor is:

Ms. Donna Walker

40388 Ladene Lane

Novi, Michigan 48375

BASIS FOR WITHDRAWAL REQUEST

3. The basis for the request for withdrawal is 37 C.F.R. 10.40(c) §(§).

The client has failed to timely pay bills.

ALLOWANCE OF TIME FOR CLIENT TO ACT

4. Status of this Application

A. Response due *(if any)*

There is no outstanding term for response.

B. Time Left for Response

Therefore, the amount of time for response, including extension under 37 C.F.R. § 1.136(a), cannot be calculated because this case is now awaiting action by the PTO.

NOTIFICATION OF CLIENT

5. In accordance with 37 C.F.R. § 10.40(a), a copy of this request, including attachments, is being sent to the client.

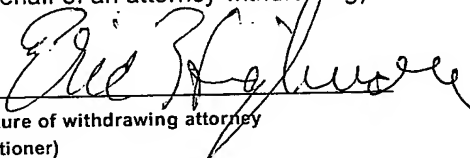
A copy of the letter to the client is attached.

NUMBER OF COPIES OF REQUEST

6. This request is enclosed in triplicate.

SIGNATURES) OF WITHDRAWING ATTORNEY(S) (PRACTITIONER^))

7. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)


Signature of withdrawing attorney
(practitioner)

Eric Highman,

Reg. No. 43,672

(216) 861-5582



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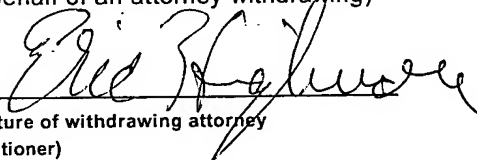
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7. Signature(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing)



Signature of withdrawing attorney
(practitioner)

Eric Highman,

Reg. No. 43,672

(216) 861-5582



FAY SHARPE, FAGAN, MINNICH & MCKEE, LLP

PATENT TRADEMARK AND COPYRIGHT LAW

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REGISTERED PATENT AGENTS
ANTHONY M. DEL ZOPPO, III
THOMAS TILLANDER
GUOSHENG WANG, PH.D.

ALBERT P. SHARPE, III
1959-2001

June 5, 2006

Ms. Donna Walker
40388 Ladene Lane
Novi, Michigan 48375

Re: Serial No. 10/632,231
METHODS AND APPARATUS FOR STRESS RELIEF
USING MULTIPLE ENERGY SOURCES
Filed: July 31, 2003
Our Ref: DWHP 200001

Dear Donna:

Attached is a copy of a request for withdrawal as attorney which is being filed with the United States Patent and Trademark Office. As you know, the bills for legal services rendered on your behalf have remained unpaid for quite some time. Therefore, I am requesting the Commissioner to withdraw from representation with regard to your U.S. patent application serial no. 10/632,231.

Furthermore, in accordance with the relevant ethical provisions governing the practice of law in Ohio, including but not limited to the Ohio code or professional responsibility and DR 2.110 thereof, I am discontinuing representation with respect to all foreign patent applications undertaken on your behalf.

Moreover, the foreign associates will be instructed to indicate any outstanding deadlines associated with your foreign patent applications and to take no further action and to incur no further costs absent short deadline situations or specific instructions from you to avoid prejudice to you the client. You will be timely notified of any such deadlines and the associates will be instructed to render their final bills to us in these matters, which amounts will then be billed to you for payment.

Ms. Donna Walker
40388 Ladene Lane
Novi, Michigan 48375

2

Please provide written instructions as to the address to which your files should be sent. Absent such instructions, the files will be delivered to you at the above address.


Attached is a listing of the U.S. and foreign patent applications filed on your behalf, as well as a docket report from our docketing system indicating relevant deadlines. The files and this information are being provided to you so as to allow ample time for you to obtain other representation regarding these matters, and reasonable assistance will be provided in expeditiously providing you with the files and related information. However, be advised that neither I nor Fay Sharpe will be representing you or your assigns henceforth.

While it has been my pleasure to represent you in relation to these patent matters, I must withdraw because of the non-payment of the fees due and owing to the Firm. Please be advised that the past due amounts are reflected in our bills rendered to you and that additional fees are likely to be due as indicated in future bills for matters already undertaken by the firm and our foreign associates on your account and for expenses incurred in matters for which there are short deadlines not allowing reasonable time for you to obtain other counsel. At this time, these amounts are in excess of \$75,000 and have been in large part overdue for an excessive period of time.

Furthermore, please note that the withdrawal from representation does not act as a waiver of any fees due by you and owing to the firm. In this regard, you are again requested to tender the amounts due to the firm as soon as possible.

As you have been informed in our various engagement letters and early correspondence relating to the patent applications undertaken on your behalf, the firm of Fay, Sharpe, Fagan, Minnich & McKee is unable to continue working for clients with overdue balances. Because our statements and other bills have not been paid in a timely manner, i.e. within thirty days of the mailing of the various invoices, both myself and the other attorneys of Fay, Sharpe are withdrawing as legal counsel with respect to all matters pertaining to yourself, and any assignees of interest in the patent applications and associated matters. This regrettable withdrawal by myself and Fay, Sharpe will be in accordance with applicable ethical standards for professional responsibility, and does not affect your obligation to pay any monies due and payable to Fay, Sharpe.

Very truly yours,
FAY, SHARPE, FAGAN
MINNICH & MCKEE LLP


Eric Highman



Attorney Docket Number DWHP200001

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Signature of withdrawing attorney
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Novi, Michigan 48375

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Our Ref: DWHP 200001

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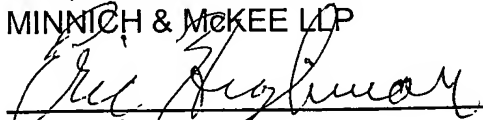
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Very truly yours,
FAY, SHARPE, FAGAN
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Eric Highman